

Notice of Allowability

Application No.

10/781,449

Examiner

Margaret Einsmann

Applicant(s)

ALPERT, MELVIN

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ The drawings filed on 18 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 2/18/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

Margaret Einsmann
Margaret Einsmann
Primary Examiner
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The following is an examiner's statement of reasons for allowance:

Claims 1-33 are allowable over the art of record because the prior art does not teach or fairly suggest the process as claimed wherein cellulosic textile material is pretreated with an ionic component and then dyed with indigo pigment in a dyebath containing an additive having an ionic charge with a polarity opposite the polarity of the pretreatment agent, and after dyeing with the indigo pigment, the pigment is chemically reduced. The prior art teaches reducing the indigo to its leuco soluble form before immersing the cellulose material in the dyebath; dyeing with reduced leuco indigo, and then oxidizing. Applicant dyes with the pigment form, which is the unreduced form, of indigo. See Gurley, Girbaud et al and Kruger et al. The prior art does not teach treating the cellulose material with an ionic component prior to dyeing with indigo, and then reacting the ionic component with a counterionic component. McBride et al. teaches pattern dyeing of textiles or producing a mottled effect on textiles, by controlling dye migration when dyeing by the ionic interaction of two components, one of which is applied to the textile, and the other in the dye solution as claimed. However, there is no suggestion to use this process in dyeing with indigo pigment or with any pigment dispersion. Wolf et al. discloses pretreatment of cellulose with an anionic acrylic polymer prior to dyeing, but does not suggest that the dyeing be done with an indigo pigment. In fact, in the dyeing recipe in column 3 of Wolf, a vat dye is used but it is used in its reduced form, not in its unreduced pigmentary form as in applicant's process. There is also no teaching of a counterionic component added to the dyebath of Wolf. Since no reference was found to suggest dyeing cellulose materials with indigo pigment

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particles combined with an additive causing the indigo particles to become electrically charged, after pretreatment of the cellulosic material with a second additive causing the cellulosic material to have an opposite ionic charge, subject matter is deemed novel and unobvious

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret Einsmann whose telephone number is 571-272-1314. The examiner can normally be reached on 7:00 AM -4:30 PM M-W and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/10/05



Margaret Einsmann
Primary Examiner
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